

REMARKS

Claims 1-3, 11 and 12 have been amended. Claim 13 has been added. Claims 1-3, 11-13 are pending. No new matter has been added.

Claims 1-3, 11 and 12 have been rejected under 35 USC 102(b) as being anticipated by Whiting et al. (US 5,543,057 "Whiting"). Applicants traverse all aspects of this rejection, and request reconsideration of the claims as currently presented for the reasons expressed below.

As articulated by the MPEP 706.02 (emphasis added):

"for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly."

Whiting fails to anticipate Claim 1 as it fails to teach at least the following: "isolating said particulate pharmaceutical product from the fluid supercritical and non-supercritical liquid components". Whiting's process yields an inorganic product bound to an inorganic carrier particle while Applicant's invention yields an isolated particulate pharmaceutical. Whiting's process fails to isolate any individual particulate and thus can not teach every aspect of the Applicant's invention.

Conclusions:

All claim rejections being addressed in full, Applicant respectfully requests the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicant respectfully requests that the Examiner contact the undersigned, who can be reached at (919) 483-9995

Respectfully submitted,

Date: May 19, 2009

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